IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20619 of 2004

Between:

Surampalli Srinivasa Rao, s/o Peda Venkaiah,
13th Ward, Chimakurthy Village and Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Cheemakurthi Mandal,

Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the order passed by the 2nd respondent herein in Rc.C/1467/2004, dated 14-10-2004 as arbitrary, illegal, unconstitutional and against the provisions of A.P.Public Distribution System Control Orders, 2001 and consequently direct the respondents to continue the petitioner as F.P.Shop Dealer of 13th Ward of Chimakurthy Village and Mandal, Prakasam District.

Counsel for the Petitioner: MR.T.NAGARJUNA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioner is an authorized Fair Price Shop Dealer of 13th Ward of Chimakurthi Village and Mandal, Prakasham District. The authorization of the petitioner has been suspended with immediate effect by the 2nd respondent-Revenue Divisional Officer, Ongole, Prakasham District by proceedings dated 14-10-2004 on the basis of the report of the 3rd respondent-Mandal Revenue Officer, Chimakurthy dated 11-10-2004, stating that the petitioner has been indulging in irregularities in distribution of the essential commodities to the card holders. Admittedly, against the said order of suspension, the petitioner has preferred an appeal before the 1st respondent-Joint Collector, Ongole, Prakasham District. However, the grievance of the petitioner is that the 1st respondent failed to consider the appeal and no orders have been passed even on his application for stay, so far.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

As can be seen from the material on record, the order of suspension dated 14-10-2004, which is in the nature of a final order by way of a substantive punishment, prima facie appears to be illegal and unsustainable since no opportunity was afforded to the petitioner to rebut the alleged irregularities.

In the circumstances, the balance of convenience lies in favour of the petitioner and

it would be appropriate to allow the petitioner to distribute the commodities till the disposal of the statutory appeal.

Accordingly, the writ petition is disposed of with a direction to the 1st respondent, to dispose of the appeal pending on his file against the order of the 2nd respondent dated 14-10-2004 as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the impugned order dated 14-10-2004 shall not be given effect to. No costs.

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09-11-2004

Note: Issue C.C by tomorrow.

B/o.

vs

To

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Ongole, Prakasam District.

3 The Mandal Revenue Officer, Cheemakurthi Mandal,

Prakasam District.

4 2CCs to the G.P for Civil Supplies, High Court Buildings,

Hyderabad(O.U.T)

5 2CD copies